

July 24, 2014



**Talbot County Planning Commission**

**Final Decision Summary**

Wednesday, January 2, 2013 at 9:00 a.m.

Bradley Meeting Room, Talbot County Courthouse

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

William Boicourt

Thomas Hughes

Michael Sullivan

John Trax

Paul Spies

Staff:

Sandy Coyman, Planning Officer

Mary Kay Verdery, Assistant Planning Officer

Brett Ewing, Planner I

Elisa Deflaux, Environmental Planner

Carole Sellman, Recording Secretary

- 1. Call to Order**—Commissioner Boicourt called the meeting to order at 9:00 a.m.  
Commissioner Spies arrived at 9:10 a.m.

- 2. Election of Officers**—Commissioner Boicourt recommended instituting the proposed bylaw change to limit the Commission's officers term of office to three consecutive terms. The Commission concurred.

Given the term limit policy, Commissioner Boicourt announced he would not accept his nomination for Chairmanship and opened the floor to nominations. Commissioner Trax nominated Commissioner Hughes and Commissioner Sullivan seconded the motion. A written ballot was taken and the vote was unanimous in favor of Commissioner Hughes for Chairman.

Commissioner Hughes nominated Commissioner Boicourt for Vice Chairman, and Commissioner Boicourt accepted, Commissioner Spies seconded the motion. A written ballot was taken and the vote was unanimous in favor of Commissioner Boicourt for Vice Chairman.

- 3. Decision Summary Review**—December 5, 2012—The Commission noted the following corrections to the draft summary:
- Line 129, Critical Area Commission does not object to the administrative variance request
  - Line 160, Commissioner Hughes also stated his concerns regarding the selective enforcement of overnight recreational vehicle parking
  - Line 161, Commissioner Boicourt asked for comments from the public to be included:

Allen I. Silverstein, Talbot County Chamber of Commerce stated that this type of project would be good for the County's economy. He expressed his support of the petition.

Ruth Anne MotorCross Association – 90% riders have motorhomes, self contained; many stay in hotels, bring money and revenue to county. The Association events bring approximately 400 riders and their families to their events. It is a family oriented program. Most riders are looking for tracks. They would like to come and support community and bring families. She stated that most tracks use port-a-potties.

Tristan Price, whose son participates, stated that these events are a clean, safe environment and it is a great family oriented atmosphere.

Chuck Payne stated he and his father are trying to get a good place to ride. They have a deep passion for the sport and want it to be safe and want to support the host community. They feel the track is good for economy and local business. The sport is getting bigger every year.

Bruce Bradley stated he has experienced many tracks and recommended permitting overnight camping as it enables greater parental supervision and increased safety with a day of practice. Motocross racing is family oriented.

Brett Spellbring felt the track supported family events, gives kids something to do. He noted other advantages as family orientation, revenue to local businesses. He expressed his support the proposed track expansion.

- d. Line 244, Should be labeled “h”.

Commissioner Boicourt moved to accept the Planning Commission Decision Summary for December 5, 2012 as amended; Commissioner Sullivan seconded. The motion carried unanimously.

#### **4. Old Business**—None was brought before the Commission.

#### **5. New Business**

- a. CPR Investments, LLC c/o Bruce Cleland—1439 Chancellor Point Road, Trappe, MD, (map 62, grid 22, parcel 52, lot 1, Zone AC), Fink, Whitten and Associates, LLC, Agent.

Elizabeth Fink, Fink, Witten and Associates, appeared before the Commission, along with Bruce Cleland, property owner and Christine Dayton, Architect, to request an administrative variance to expand a legal nonconforming structure located in the 100 foot shoreline development buffer. The applicant proposes to renovate an existing enclosed and conditioned sunroom, add an entry stoop and expand the existing deck with pervious deck across the rear and northern end of

dwelling. The proposed conversions and expansions comply with lot coverage and will be located no closer to MHW than the existing dwelling which is 60.7 feet from MHW.

The Planning Office staff recommendation included compliance with the following conditions:

1. The applicant shall make an application to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.
2. The applicant shall commence construction on the proposed improvements within eighteen (18) months from the date of the Planning Office's "Notice to Proceed".
3. Natural vegetation of an area three times the extent of the additional disturbance allowed shall be created in the buffer or on the property if planting in the Buffer cannot be reasonably accomplished. A Critical Area Buffer Management Plan application may be obtained at the Planning Office.
4. The applicant shall build the deck to meet the Maryland Chesapeake Bay Critical Areas Commission's standards for pervious decks as follows:
  - a. Install decking with a minimum of 1/4" spacing between the decking strips;
  - b. Install approved native plants around the perimeter of the deck to minimize runoff.

Commissioner Boicourt moved to recommend approval to the Planning Officer of the Administrative Variance for CPR Investments, LLC, 1439 Chancellor Point Road, Trappe, Maryland, with staff conditions, seconded by Commissioner Trax. Positive recommendation was a unanimous vote.

- b. Reed Cove Syndicate-McCauley Residence—6796 Bozman Neavitt Road, Bozman, MD (map 39, grid 14, parcel 99, Zone AC), Ryan D. Showalter, Miles and Stockbridge, P.C. and Lars Erickson, East Bay Construction Services, LLC, Agents.

Mr. Ewing presented the applicant's request for an administrative variance to expand a legal nonconforming structure located in the 100 foot shoreline development buffer. The applicant proposes a:

1. 66 square foot master bath and closet addition,
2. wooden HVAC landing,
3. 120 square foot front porch and step expansion,
4. 30 square foot rear landing and step conversion,
5. 10 square foot chimney addition,
6. 324 square foot three season porch and deck connector expansion,
7. three new front dormers and
8. relocate frame shed to lessen the extent of the nonconformity in the buffer.

146 The proposed conversions and expansions comply with lot coverage and will be  
147 located no closer to MHW than the existing dwelling at 59.1 feet.  
148

149 Demetrious Kaouris, Attorney, Miles and Stockbridge and Frank McCauley,  
150 property owner, appeared before the Commission on behalf of Reed Cove  
151 Syndicate.  
152

153 Mr. Kaouris stated that the application was straight forward and increase was  
154 under 20%, adding only 8 square feet, and under 15% lot coverage. There were no  
155 questions from Commission and no comments from the public.  
156

157 The Planning Office staff recommendation included compliance with the  
158 following conditions:  
159

- 160 1. The applicant shall make an application to and follow all of the rules,  
161 procedures, and construction timelines as outlined by the Department of  
162 Permits and Inspections regarding new construction.
- 163 2. The applicant shall commence construction on the proposed improvements  
164 within eighteen (18) months from the date of the Planning Office's "Notice  
165 to Proceed".
- 166 3. Natural vegetation three times the extent of the disturbance approved in the  
167 buffer shall be planted in the buffer or on the property if planting in the  
168 Buffer cannot be reasonably accomplished. A Critical Area Buffer  
169 Management Plan application may be obtained at the Planning Office.
- 170 4. The applicant shall build the HVAC landing and deck connector from three  
171 season porch to meet the Maryland Chesapeake Bay Critical Areas  
172 Commission's standards for pervious decks as follows:
  - 173 a. Install decking with a minimum of 1/4" spacing between the decking  
174 strips;
  - 175 b. Install approved native plants around the perimeter of the deck to  
176 minimize runoff.  
177

178 Commissioner Trax moved to recommend approval to the Planning Officer for  
179 the Administrative Variance for Reed Cove Syndicate—McCauley Residence,  
180 6796 Bozman Neavitt Road, Bozman, Maryland, with staff conditions,  
181 Commissioner Spies seconded the motion. A positive recommendation received  
182 an unanimous vote.  
183

- 184 c. Floodplain Management Ordinance from Environmental Resources Management  
185 (ERM)—Mary Kay Verdery, Assistant Planning Officer, lead the discussion of  
186 the Floodplain Management Ordinance. The Commission determined that this  
187 ordinance's definitions should be made as consistent as possible with the zoning  
188 codes. Commissioner Boicourt suggested inserting a preamble prior to the  
189 definitions stating that they apply solely to the Flood Plain Ordinance and that  
190 they were consistent with state regulations.  
191

Commissioner Hughes asked staff to research and clarify the definitions for *historic structures* vs. *historic resources* and *modular* vs. *manufactured home*.

Jeff Hubbard, Lane Engineering stated the *lowest floor* definition needs clarification.

Ms. Verdery displayed examples of the new maps and explained the new maps are based on the best available information. They are digital maps, which can be viewed on the internet. She reviewed the map appeal process both before and after the new maps are adopted.

Commissioner Hughes questioned whether Section 70-6.b was incorporated as law? Ms. Verdery explained that this section refers to a technical bulletin, which provides important supplementary information. FEMA provides several such documents to aid land owners and program enforcement to better understand the intent and ways to achieve the technical aspects of flood regulations.

The Commission determined to continue the public hearing to January 9, 5:30 p.m.

- d. Talbot County Planning and Permits—Logging Policy Recommendation to County Council—Sandy Coyman, Planning Officer, presented to the staff summary of the Commission’s recommendations for forest harvest policy agreed to at the December 5, 2012 Commission meeting for action by the Commission (see attached draft recommendations dated December 30, 2012).

Commissioner Trax moved to approve the recommendation to the County Council with the following revisions:

- i) Page 1, Item 1., strike *develop* and add “budget for the development”;
- ii) Item 1.b., strike *and* at the end of the sentence;
- iii) Item 1.c. add “and” at the end of the sentence
- iv) Page 2, strike the entire first sentence;
- v) Strike the word *However* of the second sentence and begin the sentence with “The”;
- vi) At the end of the paragraph strike *gained* and add “obtained”.

Commissioner Sullivan seconded the motion. All were in favor.

## 6. Discussions Items

- a. Temporary Use Certificate Regulations—currently Talbot County requires temporary use certificates for outdoor activities such as weddings, sales events at a commercial business, marathons. Some community stakeholders suggest current regulations do not provide enough guidance for which activities are regulated. Staff agrees and suggests that recommendations for new verbiage be developed. The Commission concurred.

Commissioner Hughes noted that overnight parking of recreational vehicles should be addressed. Commissioner Spies suggested the County regulate their maximum length of stay.

- 7. **Staff Matters**
- 8. **WorkSessions**
- 9. **Commission Matters**

The Commission noted that there will be a continuation of Planning Commission meeting and Worksessions with the County Council on Floodplain Ordinance and maps and the new hospital’s Developers' Rights and Responsibilities Agreement (DRRA) at 5:30 p.m. January 9, 2013.

Commissioner Sullivan, Commissioner Hughes, Mr. Fitzer and Mr. Walsh will participate in a Village Center workshop on January 8<sup>th</sup> at 3:30 p.m.

- 10. **Adjournment**–Commissioner Hughes adjourned the meeting at 10:30 a.m.